**In the High Court of Justice, Family Division**



**No: [*Case number*]**

**[The Child Abduction and Custody Act 1985 incorporating the 1980 Hague Convention on the Civil Aspects of International Child Abduction] /**

**[The Senior Courts Act 1981] /**

**[Council Regulation (EC) No. 2201/2003] /**

**[The 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition and Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children]**

**The child[ren]**

**[*Name of child*] [Girl] / [Boy] [*dob dd/mm/yy*]**

**[*Name of child*] [Girl] / [Boy] [*dob dd/mm/yy*]**

**ORDER MADE BY [*NAME OF JUDGE*] ON [*DATE*] SITTING IN [OPEN COURT] / [PRIVATE]**

After hearing [*name the advocate(s) who appeared*]

After consideration of the documents lodged by the applicant and the respondent

After reading the statements and hearing the witnesses specified in paragraph [6] / [*para number*] of the Recitals below

**IMPORTANT WARNING TO**

**[*APPLICANT NAME*] OF [*APPLICANT ADDRESS*]**

**[*RESPONDENT NAME*] OF [*RESPONDENT ADDRESS*]**

**If you [*applicant name*] or you [*respondent name*] disobey this order or the undertakings you have given you may be held to be in contempt of court and may be imprisoned, fined or have your assets seized.**

**If any other person who knows of this order and does anything which helps or permits you [*respondent name*] to breach the terms of this order they may be held to be in contempt of court and may be imprisoned, fined or have their assets seized.**

**The parties**

1. The applicant is [*applicant name*]

The respondent is [*respondent name*]

**(Specify any additional respondents)**

**(Specify if any adult party acts by a litigation friend)**

**(Specify if the children or any of them act by a children’s guardian)**

**Recitals**

1. This order was made at a hearing at which both parties were present **(amend as appropriate)** and represented.
2. The parties agree that: **(delete/complete as appropriate)**
   1. In the circumstances that now exist it is desirable and in the best interests of the children for all outstanding issues concerning their welfare to be dealt with by the Family Court in [*place*];
   2. Therefore, the [father] / [mother]’s application, pursuant to the 1980 Hague Convention on the Civil Aspects of International Child Abduction, should be [dismissed] / [withdrawn];
   3. The courts in [*State*] should be invited to dismiss that part of the application of the [*party*] to the [*court*] where [he] / [she] seeks [*insert nature of application*] and to declare that the [*State*] courts have no jurisdiction in matters of parental responsibility over the child[ren] and that they will each expeditiously take such steps as are necessary to procure that dismissal and declaration;
   4. They each unequivocally and expressly accept the jurisdiction of the Family Division of the High Court of Justice of England and Wales in respect of all matters of parental responsibility concerning the child[ren], on the basis that the child[ren] [has] / [have] a substantial connection with England and Wales, that the child[ren] [is] / [are] habitually resident in the jurisdiction of England and Wales, that it is in the best interests of the child[ren] for such jurisdiction to be accepted and exercised, and that thereby this court has jurisdiction in matters of parental responsibility by reason of Article 8 and/or Article 12(3) of Brussels II Revised;
   5. They each will co-operate with each other in taking such steps as are necessary to ensure that a mirror order is made forthwith in the [*insert*] court; and
   6. The contact referred to in this order shall not take place in [*insert*] until such time as the mirror order has been made in the [*insert*] courts, the proceedings in [*insert*] concerning matters of parental responsibility in respect of the child[ren] have been dismissed and the [*insert*] court has issued a declaration that it has no jurisdiction in respect of matters of parental responsibility concerning the child[ren].
   7. [*Insert other*]

**Declarations**

1. The child[ren] [is] / [are] habitually resident in England;
2. The child[ren] [was] / [were] on [*date*] habitually resident in England and the courts of England and Wales had jurisdiction in matters of parental responsibility over them
3. Further or alternatively this court has jurisdiction in matters of parental responsibility over the child[ren] pursuant to Article 12(3) of Brussels II Revised by reason of the following:
   1. That the child[ren] [has] / [have] a substantial connection with England and Wales by reason of the fact that the [*party*] is habitually resident in England and Wales;
   2. [*applicant name*] and [*respondent name*] have accepted expressly the jurisdiction of this court in matters of parental responsibility concerning the child[ren]; and
   3. That it is in the best interests of the child[ren] for the courts of England and Wales to exercise jurisdiction in matters of parental responsibility over them.
4. The applicant’s application to this court under the inherent jurisdiction constitutes family proceedings within the meaning of the Children Act 1989 and that the court may, pursuant to section 10(1)(b) of the Children Act 1989 make orders pursuant to section 8 of that Act in family proceedings.
5. Following the dismissal of the principal application these proceedings shall continue as proceedings under the Children Act 1989.

**Undertakings to the court by the applicant [*applicant name*]** **and respondent [*respondent name*]**

1. It has been explained to [*applicant name*] and [*respondent name*] that:
   1. The undertakings they have given to the court are solemn promises to the court;
   2. The undertakings are binding upon them as if they were orders of the court;
   3. If either [*applicant name*] or [*respondent name*] breaks any of the undertakings they have given to the court this will be a contempt of court and the person responsible for breaking their undertaking may be sent to prison;
   4. They intend to be bound by the undertakings in both England and Wales and in [*State*] as if the same were orders made by the courts.
2. [*Respondent name*] undertakes that:

**(for example)**

* 1. [She] / [He] will encourage the child[ren] to participate in the contact provided for in this order;
  2. [She] / [He] will not denigrate [*applicant name*] to the child[ren] or discuss adult issues with the child[ren].
  3. [She] / [He] will co-operate in taking all necessary steps to ensure as soon as possible that all proceedings in [*State*] concerning the child[ren] are dismissed and that the [*State*] court issues a declaration that it has no jurisdiction in respect of matters concerning parental responsibility in respect of the child[ren] and will not afterwards commence any proceedings in [*State*] relating to matters of parental responsibility in respect of the child[ren].

1. [*Applicant name*] undertakes that:

**(for example)**

* 1. [He] / [She] will not institute or voluntarily support any proceedings (whether criminal or civil) for the punishment of [*respondent name*] arising from [her] / [his] [removal] / [retention] of the child[ren];
  2. [He] / [She] will co-operate in taking all necessary steps to ensure as soon as possible that all proceedings in [*State*] concerning the child[ren] are dismissed and that the [*State*] court issues a declaration that it has no jurisdiction in respect of matters concerning parental responsibility in respect of the child[ren] and will not thereafter commence any proceedings in [*State*] relating to matters of parental responsibility in respect of the child[ren];
  3. At the conclusion of each period of contact that [he] / [she] exercises with the child[ren] [he] / [she] will return the children promptly to the care of [*respondent name*];
  4. [He] / [She] will take no step so as to prevent [*respondent name*] / [the child[ren]] from leaving [*State*] at the conclusion of any visit which they make to [*State*] for the purposes of facilitating contact with [him] / [her] or otherwise; and
  5. [He] / [She] will not denigrate [*respondent name*] to the child[ren], expose the child[ren] to any inappropriate behaviour, discuss adult issues with them or which country they should live in.

**IT IS ORDERED BY CONSENT THAT**

1. The application for the return of the child[ren] to [*State*] pursuant to the 1980 Hague Convention on the Civil Aspects of International Child Abduction,is [withdrawn] / [dismissed].
2. All provisions of any other Order made within these proceedings pursuant to the 1980 Hague Convention on the Civil Aspects of International Child Abductionare discharged.
3. All passports and other international travel documents relating to [*respondent name*] and the child[ren] and currently held by the Tipstaff or by [*applicant name*]’s solicitors shall be delivered up forthwith to [*respondent name*]’s solicitors [*firm name*] so that they may be returned to [*respondent name*] forthwith thereafter.
4. Permission is granted for the use in the Children Act 1989 proceedings of all documentation from the proceedings brought by [*applicant name*] pursuant to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. Permission is further granted for all of the documents filed within these proceedings to be disclosed to the [*State*] court and to any lawyers instructed by the parties in [*State*] in connection with any application to dismiss the [*specify*].

**AND IT IS FURTHER ORDERED, PURSUANT TO THE CHILDREN ACT 1989**

1. [*Applicant name*] and [*respondent name*] each have parental responsibility in respect of [the child] / [each of the children].
2. The child[ren] shall each live with [*respondent name*] in England and Wales until further order.
3. [*Applicant name*] and [*respondent name*] are prohibited until [*date*], whether by themselves or by instructing any other person, from removing either of the child[ren] from England and Wales without the prior written consent of the other parent, save in accordance with the terms of the contact order set out below and save, in the case of [*respondent name*], to the extent permitted by virtue of the fact that [she] / [he] holds a child arrangements order in respect of the child[ren].
4. [*Respondent name*] shall make the child[ren] available for contact with [*applicant name*] as follows:
   1. [*specify*]
5. [The issue as to contact under the *Children Act* 1989 shall be listed for review and for the making of such further directions as may then be required at a hearing on [*insert*].]
6. [There be no order as to costs, including the costs reserved at previous hearings, save that the costs of each party shall be subject to legal aid detailed assessments.] [The [applicant] / [respondent] shall pay the costs of the [respondent] / [applicant] [summarily assessed at £[*amount*]] / [to be subject to a detailed assessment if not agreed]. The costs shall be paid by [*date*] or 14 days from the date of the assessment.] **(amend as appropriate)**

Dated [*date*]

**Notice pursuant to PD 37A para 2.1**

You [*applicant name*] may be sent to prison for contempt of court if you break the promise that have been given to the court

**Statements pursuant to PD 37A para 2.2(2)**

I understand the undertakings that I have given, and that if I break any of my promises to the court I may be sent to prison for contempt of court

[*applicant name*] [signed on [his] / [her] behalf by [*applicant solicitor name*]]

**Notice pursuant to PD 37A para 2.1.**

You [*respondent name*] may be sent to prison for contempt of court if you break the promise that have been given to the court

**Statements pursuant to PD 37A para 2.2(2)**

I understand the undertakings that I have given, and that if I break any of my promises to the court I may be sent to prison for contempt of court

[*respondent name*] [signed on [his] / [her] behalf by [*respondent solicitor name*]]

**Communications with the court**

All communications to the court about this order should be sent to:

[*Insert the address and telephone number of the appropriate Court Office*]

If the order is made at the Royal Courts of Justice, communications should be addressed as follows:

The Clerk of the Rules, Queen's Building, Royal Courts of Justice, Strand, London WC2A 2LL, United Kingdom quoting the case number. The telephone number is 00 44 20 7947 6543.

The offices are open between 10.00am and 4.30pm Monday to Friday.

Name and address of applicant's legal representatives

The applicant's legal representatives are:

[*Name, address, reference, fax and telephone numbers (both in and out of office hours) and email*]